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ABSTRACT

The National Collegiate Athletic Association's (NCAA) Proposition 48 would establish minimum test scores and high school grade averages as prerequisites for participation in college sports. Black leaders have protested this new rule as disciminatory. Blacks were not included on the committee that formulated this proposition, and the structural and functional bias of SAT-type tests against Afro-American students was not considered. But the motive of the NCAA was probably not to deliberately lessen the dominance of black athletes, as some black leaders have suggested. It was, rather, one effort to proclaim and redeem some control over powerful athletic machines. The "Collegiate Student-Athletes' Bill of Rights," created by sociologist Harry Edwards, is an admirable, comprehensive document that provides conceptual guidelines and a modicum of protection for the student athlete. However, mandatory five-year scholarships, "redshirting," and other proposals contained within the 10 points of the "Bill" easily could be abused. Proposed remedial education programs might be inadequate in redressing the years of deficient education undergone by low-income blacks before entering college. The "Bill of Rights" could be strengthened, but not without acknowledging the degree to which the amateur college system has been professionalized into a sports entertainment system. The exploitation of black athletes will not be remedied through traditional means. (KH)

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NCAA RULE 48, BLACK LEADERS, AND COLLEGIATE STUDENT-ATHLETES' BILL OF RIGHTS: A CRITIQUE

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Black college presidents, civil rights leaders, and academicians protested vigorously against the NCAA Proposition 48 (Farrell, 1983). This new rule would require a combined Scholastic Aptitude Test score of 700 or an American College Test score of 15 and an average grade of "C" in eleven high school courses including English, math, social and physical sciences. The Black leadership protest rested on several claims, firstly, that Black college presidents and representatives to the NCAA were excluded from membership on the committee that drew up the proposal and, therefore, were excluded from the decisions which will so critically effect the Black athlete. The American Council on Education (ACE) was one of the prime movers behind the NCAA development of Rule 48. Both the NCAA and the ACE denied any intentional exclusion of Blacks from the committee and offered to admit a Black representative. Several efforts transpired to accommodate the concern voiced by the Black leaders, and Dr. Joseph F. Johnson of Grambling University was selected to the NCAA executive committee.

Secondly, the Black leaders charged that the SAT and ACT were racist and biased instruments and that the scores were arbitrarily established. One basic concern which was at the heart and soul of the matter is found in this statement by President Jesse N. Stone, of the Southern University System:

> The end result of all this is the black athlete has been too good. If it (Rule 48) is followed to its logical conclusion, we say to our youngsters, "Let the

> white boy win once in a while." This has set the black athlete back twenty-five or thirty years. The message is that white schools no longer want black athletes (Edwards, 1983b).

Another significant aspect of the aftermath to the NCAA Rule 48 proposal was the development of a "Collegiate Student-Athletes' Bill of Rights." Sport sociologist Harry Edwards prepared this Bill of Rights (1983a) which was endorsed by Black leaders, among them Benjamin Hooks of the NAACP, Reverend Jesse Jackson, then president of PUSH, the National Alliance of Black School Educators, the National Association for Equal Opportunity in Higher Education, and Reverend Joseph Lowery, president of the Southern Christian Leadership Conference.

Earlier Edwards had opposed the protest of the Black leadership, advocating Rule 48, calling for higher test scores, and chiding the Black contingent to support academic excellence (Farrell, 1983). Subsequently Edwards produced the more elaborate Collegiate Student-Athletes' Bill of Rights in both The Atlantic Monthly and The Crisis, the house organ of the NAACP (Edwards, 1983a, 1983b).

By this paper I will discuss the salience of the Black leaders' protest to Rule 48 and critique each of the ten points set forth in the Collegiate Student-Athletes' Bill of Rights.

To begin, the exclusion of Black representatives from the important development of Rule 48 is totally unacceptable. Such a proposal should have been understood as highly relevant to the Black community, and appropriate members should have been included in the

committee process. For the Black leadership, the exclusion seems racist, guaranteeing a biased outcome, i.e., Rule 48. The NCAA and the ACE seem to have been most insensitive on this issue, failing to see the historical importance of educational opportunity to the Afro-American community. National organizations must cease being private clubs supporting race and power privilege. Strategic access should not be the primary criterion to participation and decision-making.

If ever an atrocity came out of the social sciences, it has been the scientific and lay beliefs that human beings can measure something called human intelligence. In my experience far too few professionals have ventured far enough from the herd to call attention to the frailty of this concept and its shaky empirical substantiation. Despite our best professional moments, we hold innate constitutional factors as the true source of intellectual and athletic performances.

All intelligence tests are culture-bound; none are free from cultural experiences and values. Introducing race and class stratification to the socio-educational matrix serves to make more complex the development, use, and interpretation of aptitude and intelligence test outcomes. Black students of higher income backgrounds score higher than those from lower economic standings. Social class position is significant to the extent that class indicators alone will predict college success as will the standard college entrance examinations. In fact, college entrance examinations are nothing more and nothing less than measures of one's socio-educational experience which in this country is profoundly determined by one's race and economic class.

I leave this debate for others, accepting the Black leaders' position that such test scores are structurally and functionally biased against students from Afro-American cultures. The timeworn indictment is against the educational systems which perpetuate differentiated outcomes along race and class lines. In this real sense, intelligence or aptitude testing is essentially a function of White social power to which the Black response for affirmative action has proven most ineffectual. To debate the merits of the SAT or the ACT and the effects of race, as important as this may be, is to miss the proverbial forest for the trees.

President Stone accused the NCAA of attempting to create "great white hopes" for White alumni, ticketholders, and television audiences. My guess is that such is not the critical motive for Rule 48. Without going into detail or oversimplifying the emergence of the rule, it is more likely to have come from converging sociopolitical and economic issues within White academia as regards "super sports." The plight of the Black athlete and colleges was overlooked in the urgency of White college presidents and concerned organizations to proclaim and redeem some control over powerful athletic machines. The recent and partial success of these presidents to influence the ways of the NCAA is ample evidence (Vance, 1984).

I. College Student-Athletes Bill of Rights #1

This opening proposal, as with others, is well-intended and works in the best interest of the athlete. The recommendation would require NCAA member institutions to provide prospective student-athletes and the enrolled student-athletes each year with a

summarized statement of academic information. This would include a "statement of sport" of each student-athlete's academic major, GPA by major and/or year in college, and the student-athlete graduation rate in the sport for the previous five years. All of this material would be verified by the college president or high official in the administration. Granted a student-athlete should not have to make a choice without such information, the truth of the matter is that geographic ties, family background, religion, unique social-personal events, relationships with alumni, to say nothing of the material inducements, have prevailed in the selection process for both Black and White athletes. McPherson (1976) has spoken of the glamor and prestige associated with certain sports. Rooney (1980) reports demographic and regional variables influence athletes' choices of school. The use of attractive cadres of coeds to escort prospective adolescent recruits around the campus sometimes is effective in overriding other data in the choice process. Individual socialization into sport very often provides sufficient immunity to statistics and the empirical view of sport play. The strength of this recommendation lies in the public disclosure of the statistics and data as are called for. Their effect on the athlete's choice is questionable.

II. Collegiate Student-Athletes' Bill of Rights

Section 2 calls for the replacement of the four-year scholarship "one year at a time" with a guaranteed five-year scholarship "for all scholarship student-athletes recruited as freshmen." A proportionate scholarship for junior college transfers would be "mandatory." For example, a two-year junior college transfer would be

assured three years of "grant-in-aid" support from the university. From my experience, most students of sport and athletes themselves are wholly supportive of these changes. For all athletes in high revenue sports, this assurance seems the least that universities could do. Nowadays there is the ever-present "guillotine" hanging over the head of an athlete, threatened or dropped when he becomes injured, develops a "bad attitude," joins a fraternity, wants to get married, gets serious about studying, is overstacked in a position, or whose scholarship is needed for incoming student-athletes (getting rid of a not-so-accomplished player). This extraordinary and virtually unsupervised power rests in the hands of coaches and athletic staffs. Compare this circumstance with his non-athletic counterpart who has options to redress differences of opinion as to grades or shabby treatment by faculty to an ombudsman, dean, or the student affairs office. Athletes in most Division I schools have found the only reconsideration in such matters is limited to informal and subjective access to coaching staffs. If this mandatory scholarship prescription were enacted, much would be gained for the rights and psychological welfare of the student-athlete and the integrity of athletic departments. Manipulation of scholarships breeds antagonism which is not in the interest of the student-athlete, the college, or the athletic department. Scholarship reform along these lines would do much for the protection of the student-athlete and the integrity of collegiate games.

Despite scholarship reform, the proverbial concern is whether the "former" athlete will seize upon the fifth-year opportunity. Research to date shows a great deal of emotional difficulty accompanies

"retirement" at the collegiate level (Greendorfer and Kleiber, 1982). Role changes are arduous, and little may have transpired to motivate the athlete to move in a new fifth-year academically-centered direction. Remembering the athlete's history of academic segregation and his anti-intellectual socialization, one puzzles over sudden fifth-year integration into academic life (Coakley, 1982; Underwood, 1980). Another consideration must be the implications of this option on the profit-centered character of the university's athletic program. Some institutions may be unwilling to offer this extension, looking at their financial balance sheet and questioning whether money should be spent on athletes who do not produce ticket or television revenue (Atwell, Grimes and Lopiano, 1980). Administrators may view it as Pandora's box whereby once football and basketball players get their feet in the door, so will other athletes seek the same opportunity although they may generate less, if any, revenue for the institutions. Financial considerations within universities mitigate against this becoming a fully staffed and financially solvent program. At present where they exist, such programs are arbitrary and irregular. We can appreciate that Professor Edwards applies this fifth- and sixth-year extension to all athletes. We assume, however, that this program would be sport-specific in its benefit, acknowledging that players in revenue-generating sports such as football and basketball would make greater use of this recommendation, given the history of academic difficulties and low graduation ratios. For example, tennis, golf, and other club sports are comparatively free from the classical issues of bigtime college sports.

Another factor must be taken into account. Coaches and alumni

view fifth-year assurances and incentives as losing motivational control over athletic performance. Athletic personnel may argue that such academic programs should remain in their control, insuring that the "carrot on the stick" is connected directly to athletic performance. Student-athlete guarantees in this context removes an important weapon from the athletic department's motivational arsenal. Without independence from athletic departments, this recommendation is highly vulnerable to abuse of the "fifth-year" athlete.

III. Collegiate Student-Athletes' Bill of Rights #3

The third plank covers what is popularly referred to as "academic redshirting." Under this arrangement the student-athlete sits out his freshman year in order to adjust to coursework and to strengthen his academic life. On the surface, this recommendation seems meritorious, resting on the belief that athletic restriction (no athletic competition, practice is permissible) will establish the academic priority before competition. However, one must question seriously whether this proposal will achieve the desired end particularly as pertains to the Black student-athlete. The intense socialization of the "blue-chip" athlete into and through sport prevails against a new, contradictory social role, i.e., becoming a serious academic student (Edwards, 1969; Snyder and Spreitzer, 1983).

One year of academic concentration seems wholly inadequate to transforming years of skills deficit and negative schooling experiences which are particularly found with the Black student. The implied role change is most unlikely for the Black student-athlete who has not been socialized into educational achievement and who aspires

to college only to "play ball" (Edwards, 1969; Picou, 1978). The academic advising will still favor "get over" courses and encourage the athlete to build a high GPA in "easy" courses in "easy" times as a hedge against the possibility of tougher days of maintaining eligibility. "Academic redshirting" basically provides a loophole in Rule 48 for continuing an old practice since it is a scholastic "holding tank" for prime athletes who are not likely to be successful students.

IV. Collegiate Student-Athletes' Bill of Rights #4

In this section Edwards calls for specific rules in determining the grounds for the withdrawal of financial scholarships. Additionally it provides the opportunity for airing grievances and affords due process to those student-athletes who wish to challenge the loss of scholarship. Once again this is a much-needed provision, but again the implementation goes against the grain of college sport. How is this to be implemented and enforced in Division I sports which are hierarchically structured and militaristic in tradition, process, and procedure? Today's bigtime entertainment amateurs are in fact the lowest operatives in the system. More critically dependent, the Black athlete is "bound to the soil" of sport playing and less likely to have sufficient clout within or without the athletic milieu. He or she above all is not likely to be able to successfully insist on their civil rights.

Dialectically the Black athlete although often the star performer is also the most dispensable, too often without academic strength and the "lowest man" in light of position-stacking, over-

recruitment which assures excess numbers of players and ease in disposal of individual players. He is the "worker" and therefore the most powerless in a vast and powerful sport system.

This latter point is exemplary of the basic weakness in the Bill of Rights in that in no place throughout the ten recommendations is there any mention made of student-athlete participation in the development of policies and programs which would effect his life. He is the object of rules, not the rule-maker. Even more important than the legal challenge of scholarship withdrawal is the right to participate in the rule-making procedure itself, certainly at the level of one's own university or college. This recommendation, as with others, should include student-athlete participation in determining appropriate criterion and legal processes effecting their financial support. History has proved that only organized persons and groups can negotiate successfully their own rights, and so it ultimately must be with student-athletes.

One last comment is offered: once playership is established with the right to redress financial grievances, does not the monetary issue move ever so slightly from the grant-in-aid criterion to the contractual financial agreement? My concern here is with the formal contract potentially inherent in the redress process. Does not the ability to individually challenge one's scholarship withdrawal open the door to individually determine one's value in the marketplace?

V. Collegiate Student-Athletes' Bill of Rights #5

Edwards' fifth proposition stipulates diagnostic testing to

determine the academic strengths and weaknesses of the student-athlete. From such findings would be fashioned a tutorial and educational support program tailor-made for the particular student-athlete. This aspect of the Bill of Rights needs strengthening. The Bill would do well to differentiate between tutorial programs and remedial projects. My experiences with the latter urges some clarity as regards these approaches to learning. If the intent is to achieve positively reinforcing academic experiences with these young people, we must utilize and develop culturally relevant learning concepts and pedagogy. For many it means basic and often elementary processes to lift low and insufficient verbal and quantitative skills. Tutorial programs in higher education imply providing assistance and ancillary work on subjects in which the student already has some capacity. Too many intelligent Black athletes are frustrated in that they cannot benefit from tutorial assistance given their low level of skill development. I realize that the word "tutorial" rings more symphonically in the ears of university faculty, but basic culture-specific learning practices are often what is needed.

Secondly, a serious remedial program, particularly in today's conservative social environment, will receive considerable resistance from university faculty, for they contend that the place for such assistance is in elementary and high schools, not in institutions of higher learning. Obviously one can disagree with the philosophy; I wish only to say that remedial programs can be made workable and successful at the college level. These programs were by and large effective on college campuses in the days of the War

On Poverty.

Thirdly, where is the time going to come from, given the excessive number of hours spent in sport and sport-related activities? Edwards seems to contradict himself at this point; he concludes that Division I footballers could spend up to 60 hours a week in the sport including travel. Where is the remedial study going to fit? This is a zero sum game. Again I find little or no flexibility in the athletic department: "You can miss a lab, but don't miss a practice." For the blue-chip athlete, playing college ball is a shot at playing pro ball. What is the payoff in attending remedial study sessions?

To accommodate academic values, one can readily see the need to thoroughly examine the amount of time required of student-athletes' participation and the length of the playing season. Edwards proposes that accrediting agencies monitor these tutorial programs. A fine suggestion. My recommendation is that such functions would be instrumental to the extent that such agency staff is committed to the welfare of the athlete and willing to become sensitized to the peculiar socialization of the athlete.

VI. Collegiate Student-Athletes' Bill of Rights #6

This plank calls for guaranteed support for student-athletes who have incurred deficiencies in academic achievement due to the fulfillment of sports obligations, i.e., support for summer school and "post-eligibility" matriculation beyond the five years of scholarship guaranteed the student-athlete. The Bill of Rights at this point, however, seems to appreciate the longitudinal aspect

of the educational rehabilitation necessary for a large number of these athletes. This provision begs open-ended financial support for the athlete, i.e., in the phrase "beyond the five years of grant-in-aid," essentially giving no limit to support. The open-ended time aspect implies that support should exist for as long as the "former athlete" is successfully matriculating his or her program and that he or she should not be bound to the five-year scholarship but be assured of financial support for whatever time is required to complete the degree. This option seems realistic and aligned with the earlier discussion as to student vs. athlete conflict and the time required to introduce and develop academic and intellectual potential.

VII. Collegiate Student-Athletes' Bill of Rights #7

Under section 7, Edwards calls for guaranteed support beyond the five-year commitment and the commitment to summer school. It differs in that it is tied to a 40-hour week of athletic activity. He stipulates that,

> For all time accumulated by student-athletes beyond 40 hours per week preparing for, traveling to and from, participating in and recovering from sports pursuits, the university must provide additional support for student-athletes' educational pursuits.

Here the extraordinary investment required of the student-athlete is rightfully challenged. Practice sessions, travel time,

and other activities which consume the player's time are to be counted in the equation of student-athlete compensation. Edwards is justifiably concerned about the fact that activities associated directly with sport, such as intersectional play, bowl games, weight training and contests, publicity performances, and alumni activities, often push football and basketball demands to 60 hours a week for the student-athlete. Comparable student work policies are far more restrictive when we consider the federal college work-study program for non-athlete students during the academic year generally is limited to 19 or less work hours per week. In this context, Division I football and basketball players may be working three times as long as the so-called average student is allowed. This is to say nothing of the 40-hour work week in the work place outside of the academy. In this sense the athlete is working "over-time." Without changes, Edwards says,

> The alternatives are strict and enforceable time limits on practice sessions and on the time that can be spent traveling to games, or else a shortened season and schedule of games.

The proliferation of financially rewarding college bowl games, the telecasting of double- and triple-decker weekend collegiate and professional games make the prospect of a shortened season a difficult yet necessary consideration in bigtime collegiate sport.

VIII. Collegiate Student-Athletes' Bill of Rights #8

This section recommends a mandatory, standardized orientation program for incoming student-athletes. This program would "tell it like it is" as regards sports participation. It would be an orientation program which, according to Edwards, would include discussions on chances of signing a professional contract, the need to receive a degree with a marketable skill, the difficulty in "retiring" from sport at the end of eligibility and the "anti-social" behavior many athletes experience at this juncture, and the latest graduation rates and occupational outcomes for collegiate athletes. Independence from the athletic department is essential to this program which should be administered by a faculty member or academic staff person politically insulated from the power of the athletic department. An orientation program of this type should be structured for the long haul; it cannot be a "one-shot" effort on the model of traditional student orientations. My experience is that the consciousness of some student-athletes evolves, and new questions arise throughout their athletic and academic careers. A long-term series of counseling and reorientation programs might do well in order to remain in tune with the developmental changes in the life of the student-athlete.

IX. Collegiate Student-Athletes' Bill of Rights #9

Proposal 9 sets forth a professionally acceptable standard of medical care and treatment for college athletes "including regular health checks for all athletes during the season, provision for injury compensation, therapy, rehabilitation and catastropic injury insurance." In collegiate football, and to a lesser degree

in basketball, it is not a matter of whether one gets hurt but when one gets hurt. Edwards is cogently focused on a primary violation of students' rights. Professional-level demands on young adolescents often cause them to sustain injury, and in the spirit of "manhood" or teamwork, they fail to bring injuries to the attention of the coaching staff or to seek proper medical attention. Coaches and athletic staffs have long and blatant histories of attributing the athlete's complaint of physical injury to cowardice and/or a lack of character. Young males are socialized almost from babyhood to endure pain and persevere. Expressing pain is often considered testimony to weakness and "feminine frailty." Television sportscasters give high praise to a player who is performing despite severe injury and pain. Interviews with some athletes reveal that local physicians and surgeons give priority over their diagnosis of injury to the interest of the coaching staff.[1] Current recruitment practices, scholarship control, and position stacking allow for replacement of injured players by someone of nearly equal ability...it is simply a matter of interchangeable parts. Proper diagnosis and treatment of injured players is offset by the need to win. Second medical opinions or treatment by one's family physician are discouraged and even forbidden by some coaching staffs. Team physicians and local surgeons are often so emotionally involved in the team's prospects that an objective medical opinion is impossible. One is tempted to believe such neglect is particularly true of treatment accorded the Black athlete

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[1]Interviews with University of Texas football athletes.

who is often viewed as constitutionally less injury-prone than his White counterpart.

What is also interesting about this particular provision, as well as the Bill of Rights itself, is that it backs into the "student-athlete as employee" debate. Injury compensation, medical services and treatment, rehabilitation, and catastrophic injury insurance begin to signify programs accorded "employees." These "fringe benefits" normally accompany employee status, not the amateur student-athlete. Edwards' programs and policies (scholarship payment guarantees, rights of due process, 40 hour/week guidelines, insurance coverage, standard medical care and treatment) flirt, albeit unwittingly, with classic employer-employee contracts.

X. Collegiate Student-Athletes' Bill of Rights #10

This provision, while granting the right of individual institutions to set forth their own admission and matriculation standards, states they also guarantee that:

> Students recruited for athletic participation receive the full measure of academic opportunities and support herein specified as applicable.

In addition, Edwards states that the NCAA shall have "oversight responsibility" for its member institutions except where such responsibility is delegated to another agency. There is no debate on this rather general recommendation. The second part regarding the oversight responsibility is not specific in its definition and

is insufficient in light of the current atmosphere. The profit incentive in a "deregulated" situation may prompt Division I schools to seek their own cable television networks and thus bypass the NCAA. At a recent meeting of the NCAA in Dallas, the bigtime football schools opted for independence within the association...their fourth such attempt. Leaders of the effort are calling for an "alternative" to the NCAA (Crowl, 1984). Othere considerations are those put forward by Ed Garvey, formerly executive director of the National Football League Players Association; he projects that unionization of Division I players will be the next major step in collegiate sport.[2] Oversight of such programs may change appreciably with the future metamorphosis of the NCAA.

Summary

The Bill of Rights is an admirable, comprehensive, and sorely needed document providing conceptual guidelines and a modicum of protection for the student-athlete. However, Rule 48 and the Bill of Rights must be seriously considered against the realities of the political-economics of corporate athleticism. This paper has attempted to strengthen the Bill of Rights by way of a practical analysis of its recommendations, given research findings and functional understandings of bigtime sports schools. Scholars and those concerned with improving the chances and choices of student-

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[2]Remarks delivered by Ed Garvey in a speech at the Conference of North American Society for the Sociology of Sport, St. Louis, Missouri, October 1983.

athletes must also consider other solutions being offered.

Some educators and students of sport have abandoned efforts to reform bigtime entertainment sport and advocate "exorcising" and "deregulating" Division IA football and basketball from NCAA authority. They suggest that these sports have long since lost amateur standing and that the clock cannot be turned back.[3]

Paying players as employees, affording them fringe benefits and insurance eligibility together with options to pursue an education if desired, are characteristic of several solutions. Recently sportscaster Jack Whitakker (1983) suggested that college athletes who could not earn a degree be paid salaries and be offered the opportunity to be educated if they desired. He believes this would reduce the temptation to violate rules and abuse players.

Granted the Black leadership contingent properly addresses the impact of Rule 48 on Black athletes, the protest is safe within the focus of the proposition itself, i.e., the test scores, financial aid, and academic support programs. With the exception of brief commentary, the Black rebuttal leaves unexplored, and therefore unchallenged, the powerful collaboration of finance, television networks (including cable), sport, and academics. Given the long and sordid history of the exploitation of Black athletes at

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[3]Remarks delivered by George H. Hanford, President of the College Board, and Robert H. Atwell, Vice-President of the American Council on Education, at the Conference on Sport and Higher Education, Skidmore College, Saratoga Springs, New York, March 1983.

the hands of those in power, traditional remedies such as Affirmative Action may be, in fact, accommodating, naive, and even insensitive as to the true plight of the Black athlete.

Inside the universities and colleges where Black athletes create millions of dollars, faculty and administrators do not believe they should promise these same athletes an education, only an opportunity. University administrations contend that no student is promised a college degree and that in fact it must be "earned" off the court or gridiron...that enrollment in the institution is only a chance to achieve an education. They contend that the athletic scholarship is part of the opportunity, not payment for playing. These young men and, increasingly, women function under the deceptive old rubric of amateur athletics when in fact they are the pawns in a professionalized sport entertainment system, an academic world long since invaded by corporate America (Dugger, 1974).

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